



Court Disclosure Kit

From: John A. Kelly

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Re: Court Disclosure Kit: CMC statement attachment, AI Disclosure Certificate, ex parte compliance note

Research draft for adaptation. Three instruments plus usage notes. The design principle throughout: categorical disclosure, not narrative, so the court is informed without breaching work product (Code Civ. Proc. § 2018.030).

How the two layers fit together

California has no statewide rule requiring attorneys to disclose AI use in filings. Rule of Court 10.430 and Standard 10.80 govern the courts' own AI use, not counsel's. Attorney obligations flow from the Rules of Professional Conduct, Code of Civil Procedure section 128.7, county local rules, and individual judges' standing orders. That leaves two layers for a firm that wants to be ahead of the curve:

1. **The protocol layer (once per case).** Disclose the firm's AI practices at the Case Management Conference, where the court already surveys how the case will be run (Cal. Rules of Court, rules 3.720 to 3.730; form CM-110; rule 3.724 meet-and-confer). This names the accountable human on day one, exactly as the profession absorbed e-discovery.
2. **The candor layer (every filing).** The section 128.7 signature governs each paper. The CMC disclosure never immunizes a later bad filing; it demonstrates the protocol that should prevent one.

Voluntary disclosure is a posture choice for the firm. The argument for it: it is the antidote to the appearance of stealth use, it demonstrates the verification protocol before anyone asks, and if an error surfaces despite the protocol, the firm meets it as a documented outlier rather than a concealment. The argument against: no rule requires it, and some clients may prefer silence. The firm should decide its default and let the responsible attorney depart for cause.

Instrument 1: CMC Statement Attachment

File as an attachment to form CM-110 (reference it at item 18, Other Issues, or as directed by local practice; item 19 is the rule 3.724 meet-and-confer certification, where AI use can also be raised). Adapt the bracketed text.

ATTACHMENT TO CASE MANAGEMENT STATEMENT: DISCLOSURE REGARDING USE OF ARTIFICIAL INTELLIGENCE

[Party] discloses the following regarding the use of artificial intelligence tools in this matter, in the interest of transparency to the Court and consistent with counsel's duties under Business and Professions Code section 6068(d) and rule 3.3 of the Rules of Professional Conduct:

1. Counsel's firm uses artificial intelligence tools in connection with legal work, under a written firm AI use policy governing confidentiality, verification, and supervision.
2. AI tools may be used in this matter for tasks such as document analysis and organization, legal research assistance, and drafting assistance. All strategic decisions, legal advice, and court submissions are made and reviewed by counsel.
3. Confidential client information is used only with tools configured so that inputs are not used for model training and are subject to vendor confidentiality and retention terms the firm has reviewed.

4. Every citation to case law, statutes, rules, or other authority in any paper filed in this matter is independently verified by counsel against Westlaw, Lexis, official reports, or official statutory text before filing.
5. No document is filed, and no communication is made to the Court or to any party, by an autonomous system. Counsel reviews and approves every filing and remains fully responsible for its contents.
6. Counsel will supplement this disclosure if the firm's use of AI in this matter materially changes.

Date: _____ Signature: _____ [Name, Bar No.]

Instrument 2: AI Disclosure Certificate (per-filing, optional)

Adapted from the proposed Sonoma County optional certificate (proposed local rule 17.28 form). Usable in any court as a declaration accompanying a significant filing. For a fuller narrative model, see the declaration format in the firm's reference file: identification of tool, scope of use, negative scope (what the AI was not used for), verification detail, and disclosure of any error caught and corrected.

AI DISCLOSURE CERTIFICATE

Case Name: _____ Case Number: _____

Filing Title: _____ Date: _____

I declare:

1. In preparing the accompanying filing, I used the following artificial intelligence tool(s) or service(s):

2. The tool was used for the following general tasks: _____
3. All cited cases were independently verified against Westlaw, Lexis, official reports, or other primary-source materials.
4. All cited statutes, rules, or regulations were independently verified against official or maintained text.
5. Any material AI-generated citation, quotation, or attribution error identified before filing was corrected before submission.
6. I reviewed the final filing before submission and remain fully responsible for its contents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____, California.

Signature: _____ Name: _____

Instrument 3: Santa Clara Ex Parte Compliance Note

Santa Clara Superior Court Local General Rule 10(B)(5) (effective July 1, 2026) requires any person filing, submitting, or lodging **ex parte material** that includes text, recordings, or images produced via machine learning or AI tools to **disclose that fact in the filing or submission**. Covered material expressly includes search warrant affidavits, probable cause statements, wiretap declarations, requests for temporary emergency orders, restraining order requests, and applications for provisional remedies or interim relief.

Model compliance sentence for the ex parte application or supporting declaration:

> "Portions of this [application/declaration] were prepared with the assistance of [tool], an artificial intelligence tool. Counsel has reviewed the material for accuracy and completeness, has verified all citations against primary sources, and remains fully responsible for its contents."

This is the only county-level mandatory attorney disclosure identified as of July 2026. Everything else in current local rules is a verification duty, not a disclosure duty. Check the matrix and the current rules before filing.

Usage notes

1. **Meet and confer.** Rule 3.724 lets counsel add AI use to the CMC meet-and-confer subjects. Raising it there first avoids surprising opposing counsel with the attachment.
2. **Do not over-disclose.** The instruments are categorical by design. Naming specific prompts, research paths, or analytical sessions would expose work product; resist any invitation to narrate beyond the categories.
3. **Departments and judges.** Individual judges increasingly post AI standing orders. The pre-filing check in the firm policy (Section 9) covers this; the kit does not substitute for it.
4. **Supplement on material change.** If the firm adopts an agentic workflow mid-case or a client instruction changes the tooling, supplement the CMC disclosure.